

★ JUN 20 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

UNITED STATES OF AMERICA,

ORDER

-against-

11-CR-165 (NGG) (RLM)

ANTHONY BARROW,

Defendant.

-----X  
NICHOLAS G. GARAUFIS, United States District Judge.

On February 2, 2011, the United States of America filed a Complaint against Defendant Anthony Barrow, alleging that he escaped from custody on January 31, 2011. (Compl. (Docket Entry # 1).) On March 3, 2011, a grand jury indicted him for one count of escaping from custody in violation of 18 U.S.C. § 751. (Indict. (Docket Entry # 5).) On May 16, 2011, Defendant agreed to plead guilty before Magistrate Judge Roanne L. Mann. (Docket Entry # 7.) The same day, Defendant pleaded guilty and allocuted to the indicted count of escape. (Tr. (Docket Entry # 13).) Magistrate Judge Mann found that a factual basis existed for Defendant's guilty plea. (Id.)

Federal Rule of Criminal Procedure 11(b)(3) requires that "[b]efore entering judgment on a guilty plea, the court must determine that there is a factual basis for the plea." Where a defendant has consented to have his plea taken by a magistrate judge, the Second Circuit has required the District Court to "accept" or "reject" a magistrate judge's finding that there was a factual basis for a defendant's guilty plea. See United States v. Williams, 23 F.3d 629, 632-34 (2d Cir. 1994). In doing so, the court may make its determination by reviewing the defendant's allocution. United States v. Brumer, 528 F.3d 157, 160 (2d Cir. 2008). The court has reviewed Defendant's allocution and adopts Magistrate Judge Mann's recommendation that there is a

factual basis for Defendant's guilty plea. Accordingly, the court accepts Defendant's plea of guilty to Count One of the indictment in which he is charged.

SO ORDERED.

Dated: Brooklyn, New York  
June 19, 2011

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS  
United States District Judge